

REMARKS/ARGUMENTS

35 U.S.C. §112

The Office Action at page 2 rejects claims 37 to 39 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection has been dealt with in the amendment of the claims.

In claim 37, the term "satellite" has been removed. The term "pinion gear" is a well known term in the mechanical arts. Claim 43 has been similarly amended.

In claim 39, the phrase "it is" has been replaced with "said at least two spools are". No new matter has been added, support for this amendment found at e.g. page 6, line 37 of the specification.

Applicant respectfully submits that the claims as presented meet the requirements of 35 U.S.C. §112.

35 U.S.C. §103

On page 3 of the Office Action, claims 33 to 34, and 39 were rejected under §103(a) as being unpatentable over O'Neill (4796412) in view of Soubeyrand et al. (FR 2581633).

On page 4 of the Office Action, claims 35 to 38, and 40 to 44 were rejected under §103(a) as being unpatentable over O'Neill (4796412) in view of Soubeyrand et al. (FR 2581633) and in further view of Osborne (GB 2064477A).

Applicant respectfully traverses to the extent these rejections are applied to the claims as now presented.

One skilled in the art, and aware of O'Neill and the use of spools for winding up the tapes of a taped bag chain in a packaging apparatus, and also aware of the problem of instability of the tape turns that develops and increases with the length of the tapes that are wound up, would not have looked to Soubeyrand et al. for a solution. This is because Soubeyrand et al. is directed to solve a different problem. This is the problem of telescoping of the web wound on a mandrel, a problem that develops with time and under the action of temperature (see page 1, lines 35 to 36 of Soubeyrand et al. in the original French language document, and page 3, lines 3 to 4 of the attached machine translation). According to Soubeyrand et al., the problem that their invention solves occurs – depending on the temperature- within 24 or 48 hours from the time of manufacture of the roll (page 3, lines 10 to 12 of Soubeyrand et al., page 4, fourth full paragraph

of the translation). The problem begins after a few hours from the manufacture of the roll (page 3, lines 30 to 33 of Soubeyrand et al., page 5, lines 9 to 10 of the translation).

On the other hand, in those packaging processes where taped bags are used, generally the number of bags per box or set of tapes is up to about 3,000, and the conventional packaging machines run at about 30 to 40 packs per minute. This means that in the packaging processes using taped bags, the tapes would typically be wound up on the spools in less than two hours. Further, the packaging processes where taped bags are employed are typically used for the packaging of food products and are run at low temperatures, typically at 4 to 8°C (packaging meat). Thus, the instability problem that has to be solved in the packaging area develops in a very short time, during the winding of the tapes on the spool (as soon as the number of turns on the spool is high enough to create instability) and at any temperature, including low temperature. The person skilled in the art, faced with the problem of the instability in spools for taped bags would not have considered Soubeyrand et al. as a possible teaching because the solution to a problem that occurs after a few hours from the manufacture of the roll, would not be considered to be applicable to the case of a spool for taped bags that after 1 to 2 hours, from the beginning of the packaging process when the first turns of tape are wound thereon, is removed from the packaging machine and discarded.

The PCT Examiner in the counterpart PCT application supports this position, stating, with respect to very similar claims:

The prior art is represented by documents US-A-4 796 412 or GB-A-2 064 477. The problems of tape axial shifting during winding thereof are well known. Many different solutions have been proposed in the art to solve these problems. The solution according to the present invention is to provide resilient means for releasing a radial pressure acting on the turns of tape that have been wound up first.

This claimed solution is not obvious in the light of the available prior art. In the known spools with resilient means the resilient means have other functions (in FR-A-2 581 633 for the relaxation of the winding, in US-A-3 698 654 for fixing the extremity of the tape). Such known resilient means cannot be used in a spool according to US-A-4 796 412 or GB-A-2 064 477 for solving the problem posed.

The subject-matter of claim 1 consequently involves an inventive step (Article 33(3) PCT)

Claims 2-23 are dependent on claim 1 or include all the features of claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Applicant respectfully submits that the claims as presented are novel and unobviousness over the art of record. Applicant respectfully asks for allowance of the claims now presented.

If any fees are deemed due, please charge same to Deposit Account No. 07-1765.

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DATE

Respectfully submitted,



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